

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
07/13/2001

07/10/2001

CLERK OF THE COURT
FORM R193B

HONORABLE LINDA A. AKERS

G. Kuder
Deputy

CR 2000-096727

FILED: _____

STATE OF ARIZONA

ADENA J BERNSTEIN

v.

DANIEL STEVEN KLINE (B)
DOB: 04-26-74

GENE JEFF FISHER

APO-SENTENCE IMPRISONMENT-SE
APPEALS-SE
DISPOSITION CLERK-SE
RFR
VICTIM WITNESS DIV-CA-SE

SENTENCE OF IMPRISONMENT

9:18 a.m. State is represented by Deputy County Attorney Stacey Doane on behalf of above-named counsel. Defendant is present and represented by counsel Gene "Jeff" E. Fisher.

Court Reporter, Sharon Palmer, is present.

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

THE COURT FINDS that reasonable efforts have been made to give the victim notice of the plea proceeding and an opportunity to be heard.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

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WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of Guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following crime(s) as set forth on the following page(s), that upon due consideration of all the facts, law and circumstances relevant herein, the Court finds that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

THE COURT FURTHER FINDS that there are circumstances sufficiently substantial to call for the term as indicated. These circumstances are stated by the Court on the record.

AS PUNISHMENT, IT IS ORDERED that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

OFFENSE: COUNT 1: FRAUDULENT SCHEMES

FELONY CLASS: 2 NON REPETITIVE

IN VIOLATION OF A.R.S. SECTIONS 13-2310, 701, 702.01, 702 and 801

DATE OF OFFENSE: Between April 7, 2000 and July 18, 2000

SENTENCE: FIVE YEARS

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PRESUMPTIVE

NONDANGEROUS

This sentence is to date from 07-10-2001.

The Defendant is to be given credit for 130 days served prior to sentencing.

IT IS FURTHER ORDERED that the Defendant shall serve one day for every seven days of the sentence imposed under the supervision of the Community Supervision Program, to be served consecutively to the actual period of imprisonment.

RESTITUTION: IT IS ORDERED the Defendant shall make and pay restitution to the victim(s) of this crime, for the economic loss of the victim(s), through the Clerk of the Superior Court in the total amount of \$7,103.64. Restitution is owed in the following amounts to the following persons:

Scottsdale Paint and Supply	\$1,013.86
Space Age Paint Store	\$3,630.93
Automotive Refinish Supply	\$1,890.42
Basha's	\$ 568.43

Pursuant to A.R.S. Section 31-254(D) and (E),

Payment shall be 30% of Defendant's earnings while incarcerated at the Department of Corrections commencing 09-01-01 and to continue until Defendant is released from the custody of the Department of Corrections. Upon release from the Department of Corrections, payment shall commence on the first day of the second month after Defendant is released from the Department of Corrections and said payment shall not be less than \$40.00 per month.

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Restitution ledger provided.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$20.00 to the Clerk of the Superior Court of Maricopa County as follows:

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

IT IS ORDERED granting the Motion to Dismiss Count 2 and allegation of prior felony convictions.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the custody of the Arizona Department of Corrections and authorizing the Department of Corrections to carry out the term of imprisonment set forth herein.

ISSUED: Order of Confinement.

IT IS FURTHER ORDERED that the Clerk of the Superior Court remit to the Department of Corrections a copy of this order together with all presentence reports, probation violation reports, medical and psychological reports which are not sealed relating to the Defendant and involving this cause.

FILED: Notice of Rights of Review After Conviction

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

9:28 a.m. Matter concludes.

/s/ HONORABLE LINDA A. AKERS
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)